CALIFORNIA CONFERENCE OF DIRECTORS OF ENVIRONMENTAL HEALTH

TEMPORARY FOOD FACILITY GUIDELINES AUGUST 2004

BACKGROUND

In 1999 significant changes were enacted to California Uniform Retail Food Facilities Law (CURFFL) Articles 13 and 13.5. These articles set forth the requirements and standards for temporary food facilities (TFFs). TFFs must obtain a permit to operate from the enforcement agency prior to beginning operations. The operation of multiple TFFs at community events also requires a designated event organizer and organizer permit.

A TFF event can vary from a few low-risk facilities and consumers, to a large number of potentially hazardous food preparation facilities with thousands of consumers. Community events will often include many classifications of food facilities, in addition to TFFs, such as separately permitted mobile food preparation units. The increasing numbers and complexity of TFF events proves a challenge for the safe handling and serving of food to the public. Resources may be limited at the local enforcement agency level, and prioritization of TFF inspection activities based on risk factors and public health outcomes should be considered.

SCOPE

These guidelines are designed to assist local enforcement agencies in their application of CURFFL to TFFs. Additional event sanitation issues, such as water, wastewater, garbage, and toilet/hand washing facilities, will be briefly addressed in a future revision of these Guidelines within a Question & Answer section. Local enforcement agencies that deal with temporary food facility issues are encouraged to adopt these guidelines in the hope that uniform statewide interpretation and enforcement along with professional judgment and a reasonable, practical application of CURFFL will benefit the public health, as well as regulatory and industry interests.

DEFINITIONS

For the purposes of these guidelines the following definitions apply.

Approved: Acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and generally recognized industry standards that protect public health. (CURFFL 113740)

Approved Source: A producer, manufacturer, distributor, or food establishment that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health. No food prepared or stored in a private home may be used, stored, served, offered for sale, sold, or given away in a temporary food facility. (CURFFL 113740 & 114312)

Community event: An event that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency. (CURFFL 13750.1)

Enforcement Agency: The State Department of Health Services and all local health agencies charged with enforcing the provisions of the California Uniform Retail Food Facilities Law. (CURFFL 113760)

Event Organizer: The person or organization with overall responsibility for the event and any facilities or equipment that are shared by two or more TFFs operating at a community event. (CURFFL 114314)

Food: Any raw or processed substance intended to be used as food, drink, confection, or condiment for human consumption. This includes ice, beverages (including water), or ingredients. (CURFFL Section 113775)

Food Facility: Any food establishment, mobile food facility, vending machine, produce stand, swap meet prepackaged food stand, temporary food facility, satellite food distribution facility, stationary mobile food preparation unit, mobile support unit, mobile food preparation unit, and certified farmers' markets (for purposes of permitting and enforcement). Areas used in conjunction with these operations for food-related utensils, equipment, and materials storage facilities are also included in this definition.

A food facility <u>does not include</u> a cooperative arrangement wherein no permanent facilities are used for storing or handling food, or a private home, church, private club, or other nonprofit association that gives or sells food to its members and guests at occasional events, or a for-profit entity that gives or sells food at occasional events, for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition for participating in the event. (Events like many pancake breakfasts, church supper, school bake sale, or similar events are not considered open to the general public even though there may be limited local advertising in the community.) Businesses that only offer wine tasting, without sale of food or beverage for onsite consumption, are also not defined as food facilities. (CURFFL 113785)

Nonprofit Charitable Temporary Food Facilities: A temporary food facility that is conducted and operated by a corporation incorporated pursuant to the Nonprofit Corporation Law, that is exempt from taxation pursuant to Section 501 (c) of the Internal Revenue Code and the Revenue and Taxation Code. A nonprofit charitable temporary food facility also includes an established club or organization of students

that operates under the authorization of a school or educational facility. (CURFFL 113823)

Occasional Event: An event that occurs not more than three days in any 90-day period. (CURFFL 113825)

Potentially Hazardous Food Any food that is in a form capable of either (1) supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications or (2) supporting the growth or toxin production of Clostridium botulinum. (CURFFL 113845)

Temporary Food Facility: A food facility operating out of temporary facilities approved by the enforcement officer at a fixed location for a period of time not to exceed 25 consecutive or nonconsecutive days in any 90-day period in conjunction with a single, weekly, or monthly community event. (CURFFL, 113895)

APPLICABILITY

It is important to distinguish between temporary food facilities that are regulated under CURFFL, and food sales at nonprofit occasional events that are not regulated under CURFFL.

Food sales or giveaways are not regulated by CURFFL if:

- A. 1. the booth is operated by a nonprofit organization, and
 - 2. the event does not exceed three days in a 90-day period, and
 - 3. the event is limited to members and guests of the nonprofit organization. or
- B. 1. the booth is operated by a for-profit entity (on behalf of a nonprofit organization) that receives no monetary benefit, and
 - 2. the booth is operated at an event that does not exceed three days in a 90-day period.

Food sales or giveaways are subject to CURFFL if:

- 1. the temporary food facility is operated for more than three days in a 90-day period.
- 2. the event is open to the general public (and the vendor is not exempt under B above).

MAJOR RISK FACTORS

Cold & Hot Food Holding Temperatures

<u>Hot foods</u>: Hot-holding equipment must be able to maintain food at 135° F or higher. Insulated containers with no heat source are not recommended. Adequate fuel (Sterno, propane, candles) shall be provided to last the entire operating day to maintain a temperature of 135 degrees or higher. Hot potentially hazardous foods

shall be discarded at the end of the operating day. (Note: sterno and candles may not be adequate to maintain a minimum hot holding temperature of 135 degrees, and operators should be advised in advance that food may be discarded if temperatures are inadequate.) <u>Cold foods</u>: Ice or mechanical refrigeration is required. Mechanical refrigeration is required for overnight storage of cold potentially hazardous foods. Foods that are held at 45° F during the operating day should be discarded if not mechanically refrigerated down to 41° F for overnight storage.

Cooking Temperatures

Processes that involve cook, chill, then reheat are not recommended for temporary food facilities. It is suggested that these operations occur at a permitted food establishment. An appropriate metal stem probe thermometer (digital or dial 0° to 220° F range) shall be available for checking food temperatures. Foods shall be cooked to the minimum temperatures prescribed in CURFFL.

Hand Washing

Adequate hand washing facilities must be provided inside food booths where handling or selling of unpackaged food occurs. Hand washing facilities must be separate from those used for utensils. Minimum set-up shall include potable water in a container that has a hands-free spigot, soap in a dispenser, paper towels, and a container to collect the wastewater. Employees with open sores/cuts on their hands must wear gloves; those with respiratory symptoms, or who are experiencing vomiting and diarrhea must be excluded from the TFF.

Utensil Washing

Operators must set up utensil washing facilities before operating; a three-step process (wash, rinse, sanitize) is required. Containers must be large enough to accommodate the largest utensil to be washed. An adequate quantity of pre-washed and sanitized utensils (from approved commercial facility only) may be acceptable in place of a utensil washing set up if they are brought to the TFF in a sealed plastic bag or similar container. Sanitizing facilities will still be needed for food contact surfaces. Provide a separate bucket of sanitizing solution for sanitizing equipment and food contact surfaces – separate from utensil wash set up. (Cleaning cloths are to be stored in a container of sanitizing solution.)

Approved Source

All food shall be obtained from an approved source. Food stored or prepared in a home is prohibited. As part of the permit review process the name and address of the facilities where food items are obtained may be required, as well as receipts, invoices, or other proof of approved sources and suppliers. If it cannot be demonstrated that food is from an approved source, it is strongly recommended that the facility not be allowed to operate.

Food Handler Hygiene

Food handlers should use gloves/utensils when handling food. Bare hand contact of ready-to-eat foods should be avoided. Food handlers shall use prescribed hand hygiene method when hands become soiled or contaminated.

PERMITS

Non-Profit Charitable TFFs: Local enforcement agencies may require permits for these events as discussed in Article 13.5. (CURFFL 114332.7)

TFFs: A permit is required for each individual TFF (including events with only one TFF). For every community event with two or more TFFs the event organizer shall obtain a permit. CURFFL requires that the event permit application and site plan be submitted to the enforcement agency at least two weeks prior to the event. This is critical for proper review. The event site plan shall show the proposed locations of the temporary food facilities, restrooms, and all shared utensil washing, hand washing, and janitorial facilities (and should include related items, such as garbage and wastewater disposal). (CURFFL 114314)

<u>TFF operator</u> permit applications require the following information:

- Location of off-site/on-site food preparation
- Type and location of food storage (including overnight)
- Capacity of all equipment used to hold PHFs hot or cold
- Hand-wash/utensil-wash availability
- Storage and disposal methods for wastewater, grease and oil, food waste and garbage generated by this food operation
- Types of cooking equipment
- Food preparation methods
- Methods used to prevent cross contamination
- PHF cooking, reheating, and holding procedures
- List of proposed menu items
- Means of contacting the operator at the event

<u>TFF community event organizer</u> permit applications require the following information:

- Hours, dates, duration of the event, business and after hour contact information, and other standard items
- Means of contacting the event organizer at the event
- A site plan showing the proposed locations of the TFFs, restrooms, garbage containers, and all shared utensil washing, hand washing, wastewater disposal, and any optional janitorial facilities. These event infrastructure facilities shall be adequate for the size of the event.
- A maintenance plan for shared sanitary facilities (garbage containers, restrooms, utensil washing, hand washing, wastewater disposal, and janitorial facilities) and any other booth environmental support services provided by the event organizer
- Adequacy of other event general health and safety control measures, such as electrical supply, vector control, or manure disposal at events with animals
- Provision of translation services is encouraged
- A list of participating food vendors, with contact person, phone number, and food items can be required

Permit Application Review

Enhanced compliance can be achieved during the permit application review process. Organizers of events with a history of problems or events with new sponsors or vendors may benefit from a pre-event meeting. This meeting can be used to review provision and maintenance of sanitary support facilities for the event (water, sewage, ice, toilets, trash, electrical, and other sponsor-provided items). Larger and high-risk events will benefit from having an inspector in attendance at any pre-event meetings.

Phone interviews with TFF operators are useful in clarifying application information, determining food service risk level, food safety control measures, and to assess and educate the operator on safe food handling practices. Methods and facilities used in food storage and preparation, food source, food booth construction, and other items can be discussed, as well.

Some local enforcement agencies will inspect at every TFF event. However, manpower resources in many jurisdictions may not allow for both application review and field inspection of all events. The decision on whether to conduct a field inspection of TFF events should be based upon enforcement agency resources and on public health risk factors. The following chart is an *example* matrix of factors that can be considered when estimating the relative food safety risks of various events. It is important to consider more than one factor when assigning risk.

EVENT CRITERIA	DEGREE OF HAZARD		
(anticipated or			
historical)	Low	Medium	High
Daily Attendance	<500	500-5,000	>5,000
Duration in Days	1	2	3 or more
Number of Food Facilities	1	2-10	>10
Past Event Compliance History	Good	Fair	Poor
Types of Food	No food preparation, prepackaged non- potentially hazardous foods	Food preparation of non-potentially hazardous foods	Food preparation of potentially hazardous foods

STRUCTURAL & OPERATIONAL

There are differing structural and operational requirements for TFFs and nonprofit charitable TFFs, as highlighted in the following chart (for all requirements see CURFFL, Articles 13 and 13.5).

TFFs Article 13	Nonprofit Charitable TFFs Article 13.5	
Subject to applicable sections of Article 6	Operation limited to 72 hours, four times	
and 7 except as specified	annually.	
All food must be from an approved	Potentially hazardous food must be from	
source.	an approved source.	
Owner/operator must be prominently		
identified on the facility.		
Event organizer must obtain a permit for	Local jurisdictions may require a permit	
2 or more profit TFFs		
Temperature requirements for PHF.		
45 degrees F or > 135 degrees F at all times		
No live animals within 20 feet of facility	No live animals in the facility except	
except service animals.	service animals.	
Equipment and utensils must be	Service arimidis.	
approved.		
Ice used for refrigeration must not be	Ice for beverages must be kept separate	
used in beverages or cooking.	from ice for refrigeration.	
Ice must be protected from		
contamination.		
Adequate storage facilities must be	Food must be protected from	
provided.	contamination.	
Food must be stored 6 inches off the floor	Food must be stored off the floor on	
or in enclosed cabinets or facilities during periods of inoperation. During periods of	pallets or shelves in the facility.	
operation supplies & non-potentially		
hazardous foods in unopened containers		
may be stored adjacent to the TFF		
Food must be protected from		
contamination during transportation.		
Toilets:	A toilet for each 15 employees must be	
• 1 for each 15 employees within 200 ft.	provided within 200 ft.	
 Hot and cold running water for hand washing 		
 Soap & towels in permanent 		
dispensers		
Cold water and "germicidal soap" is		
ok if only prepackaged foods are sold.		
Alternatives may be approved		
Shared janitorial facilities can be		
provided.		
A separate area for storage of employee		
personal effects must be provided.		
Adequate lighting must be provided		

TFFs	Nonprofit Charitable TFFs
Article 13	Article 13.5
Water supply:	
Water source must be approved. Het water (120 degrees F) must be	
 Hot water (120 degrees F) must be provided 	
 Adequate potable water for activities 	
in the booth, plus 20 gallons.	
 Backflow prevention must be provided 	
to water source and holding tank.	
Liquid waste:	Liquid waste disposal is subject to the
The enforcement officer must approve disposal.	approval of the enforcement officer.
Waste capacity must be at least 50%	
greater than potable water holding	
tanks. If ice is used, additional storage	
for ice melt is required.	
 System must preclude contamination of potable water. 	
Open-air barbecue facilities are subject to	Open-air barbecue facilities are subject to
approval by the enforcement officer and	approval by the enforcement officer and
must comply with Article 9.	must comply with Article 9.
Prepackaged foods only:	Food contact surfaces must be smooth,
Floor is required	easily cleanable, and nonabsorbent.
Enforcement officer may require	Smoking is prohibited in the facility.
overhead and other protective	Garbage must be removed daily.
measures as needed. Non-prepackaged foods:	Non-prepackaged foods:
The booth must be fully enclosed, but	Utensil washing and handwashing
if only non-PHF foods are handled,	facilities must be provided in the booth.
food compartments may be used.	The enforcement officer must approve
A readily cleanable floor, walls, and	utensil washing and handwashing
ceiling are required. Screens must be	facilities.
16 mesh or finer.	Food contact surfaces must be smooth,
Self-service condiments must be	easily cleanable, and nonabsorbent.
prepackaged or dispensed from	Smoking is prohibited in the facility.
approved dispensers.	Garbage must be removed daily.
 A 3 compartment sink with drainboards and hot and cold water 	
supplied from a mixing valve must be	
provided.	
A handwash sink with hot and cold	
water supplied from a mixing valve is	
required. Sharing may be allowed.	
Alternatives may be approved.	

Based upon local environmental conditions, location, and other similar factors, the enforcement officer may establish additional structural or operational requirements, or both, as necessary to ensure that foods are of a safe and sanitary quality. If alternative methods are approved for use by a TFF operator, then it is strongly recommended that additional event infrastructure be provided for high risk events of over one day's duration. These would include shared ice supply, refrigeration units, janitorial facilities, three compartment sinks, and hand wash sinks.

COMPLIANCE ASSISTANCE SUGGESTIONS

The following items may be used to aid in gaining operator compliance.

- Pre-event meeting with event organizer and TFF operators.
- Reduced fees for on time application submittal, or late fees for late applications.
- Re-inspection fees.
- Require TFF operators who do not turn in timely applications to only serve non-potentially hazardous, and perhaps pre-packaged, foods.
- Perform a pre-opening inspection.
- Community event organizer training workshop (reduced fees as incentive).
- Self-inspection forms which operators can use to check their operation, prior to arrival of the inspector.
- Request police/law enforcement assistance for inspectors at event.

CURFFL and related information can also be found on the Internet athttp://www.ccdeh.com/commttee/food/documents/default.htm .

Included at this site are the following guidelines and State Food & Drug Branch Food Safety Notice (FSN):

CCDEH- Guidelines for the Installation & Use of Open-Air Barbecue Facilities

CCDEH- Retail Food Sampling Guidelines

FSN- Cooking Out of Doors